

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Estate of VALERIE YOUNG by VIOLA YOUNG, :
as Administratrix of the Estate of Valerie Young, :
and in her personal capacity, SIDNEY YOUNG, :
and LORETTA YOUNG LEE, :

Plaintiffs, :

-against- :

STATE OF NEW YORK OFFICE OF MENTAL :
RETARDATION AND DEVELOPMENTAL :
DISABILITIES, PETER USCHAKOW, personally :
and in his official capacity, JAN WILLIAMSON, :
personally and in her official capacity, SURESH :
ARYA, personally and in his official capacity, :
KATHLEEN FERDINAND, personally and in her :
official capacity, GLORIA HAYES, personally and :
in her official capacity, DR. MILOS, personally and :
in his official capacity, :

Defendants. :

**NOTICE OF DEFENDANTS'
MOTION FOR
SUMMARY JUDGMENT**

07-CV-6241 (LAK)(DCF)
ECF Case

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PLEASE TAKE NOTICE that, upon the attached declarations of defendants Peter A. Uschakow, dated July 21, 2008, Suresh Arya, dated July 15, 2008, Jan Williamson, dated July 17, 2008, Kathleen Ferdinand, dated July 24, 2008, Gloria Hayes, dated July 18, 2008 and Dr. Jovan Milos, dated July 23, 2008, the declarations of Dr. Diane M. Sixsmith, dated July 21, 2008, and Jose L. Velez, dated August 1, 2008, with designated pages of the transcripts of the deposition of plaintiff Viola Young that was taken on January 29, 2008, plaintiff Loretta Young Lee that was taken on January 28, 2008, plaintiff Sidney Young that was taken on January 28, 2008, defendant Peter Ushakow that was taken on April 11, 2008, defendant Suresh Arya that was taken on April 8, 2008, defendant Jan Williamson that was taken on April 10, 2008, defendant Kathleen Ferdinand that was

taken on April 7, 2008, defendant Gloria Hayes that was taken on April 18, 2008 and defendant Dr. Jovan Milos that was taken on March 27, 2008, defendants' statement pursuant to Local Civil Rule 56.1, the accompanying memorandum of law, and all prior proceedings herein, defendants State of New York Office of Mental Retardation and Developmental Disabilities ("OMRDD"), Brooklyn Developmental Disabilities Service Office ("BDDSO") Director Peter Uschakow, Deputy Director of Operations Jan Williamson, Residential Unit Supervisor Gloria Hayes, Treatment Team Leader Kathleen Ferdinand and Medical Doctor Jovan Milos, and Hudson Valley Developmental Disabilities Services Office Deputy Director of Operations Suresh Arya, by their attorney, ANDREW M. CUOMO, Attorney General of the State of New York, will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, Southern District of New York, in the United States District Court Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, on a date and time to be set by the Court, so counsel may be heard, for an order pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, granting summary judgment dismissing the complaint against defendants on the grounds that there is no genuine issue as to any material fact concerning them and that they are entitled to judgment as a matter of law because: (1) defendants' care and treatment of plaintiffs' decedent Valerie Young did not substantially depart from professional standards and did not shock the conscience and defendants were not deliberately indifferent to Ms. Young's alleged serious mental health care needs; (2) defendants did violate Ms. Young's rights under the American with Disabilities Act; and (3) defendants are shielded from liability by the doctrine of qualified immunity; and for such other and further relief as may be just and proper.

Dated: New York, New York
August 1, 2008

Yours, etc.,

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
By:

S/
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